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|-------------------------------|------------------------|---------------------|-----------|
| Notice of Allowability | Application No. | Applicant(s) | |
| | 10/015,539 | CORBALIS ET AL. | |
| | Examiner | Art Unit | |
| | K. Cyrus Kianni | 2883 | <i>DM</i> |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/14/04.
2. ☒ The allowed claim(s) is/are 1-12,14,15,18,19,57 and 59-65.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 7.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date <u>10</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

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- Applicant's canceling of claims 13, 16-17 and 20-56 in the amendment/response submitted on 5/14/04 is acknowledged.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kalinski II on 7/23/2004, in order to make the case allowable.

Please cancel claims 58 and 66.

In the first line of claim 59 change [58] to 57

In the first line of claim 60 change [58] to 57

In the first line of claim 64 change [58] to 57

In the first line of claim 65 change [58] to 57

In claim 57, please delete [A beam monitoring element comprising:]

and insert An optical switch comprising:

an array of optical input channels each capable of carrying an associated input

light beam;

an array of output channels;

an array of beam monitoring elements;

a switching array for coupling selected input channels to selected output channels enabling the switching of each input light beam to one of a plurality of output channels;

a beam splitter optically interposed between the switching array and the array of output channels to split input light beams into a monitor beam and a working beam; and

wherein each beam monitoring element measures one of the monitor beams to provide optical information used for adjusting the switching array such that the working beams enter the output channels having desired optical characteristics;

Reason for Allowance

2. Claims 1-12, 14-15, 18-19, 57 and 59-65 are allowed for the following reasons:

The instant application is deemed to be directed to a nonobvious improvement over the invention patented in Pat. No. Novotny (US 6,625,341).

Claim 1 is allowed because the prior art of record, taken alone or in combination, fails to disclose or render obvious a second beam splitter arranged to receive the monitoring beam and reflect a portion of the monitor beam into the second detector element while directing another portion of the monitor beam onto the first detector element in combination with the rest of the limitations of the base claim. Claims 2-12, 14-15 and 18-19 depend on claim 1 and therefore they are also allowable.

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Claim 57 is allowed because the prior art of record, taken alone or in combination, fails to disclose or render obvious a first light block having formed therein, a first aperture; a monitor lens; and a detector element for detecting the monitor beam after it passes through the first aperture and passes through the monitor lens wherein the monitor beam provides working beam positional misalignment information in combination with the rest of the limitations of the base claim. Claims 59-65 depend on claim 57 and therefore they are also allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Contact Information

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to K. Cyrus Kianni whose telephone number is (571) 272-2417.

The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 6:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font, can be reached at (571) 272-2415.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9306 (for formal communications intended for entry)

or:

Hand delivered responses should be brought to Crystal Plaza 4, 2021 South Clark Place, Arlington, VA., Fourth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 308-0956.



K. Cyrus Kianni
Patent Examiner
Group Art Unit 2877

Frank Font
Supervisory Patent Examiner
Group Art Unit 2883

July 22, 2004